

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>Jose Cabral</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Civil Action No.: 02CV2806</b>
	)	
<b>The Philadelphia Coca-Cola Bottling Company</b>	)	
	)	
<b>Defendant</b>	)	

**DEFENDANT'S MOTION TO CONTINUE AND RESET  
DEADLINES FOR FILING PRETRIAL DOCUMENTS**

On September 26, 2002, the Court entered a pre-trial scheduling order establishing deadlines for the conduct of this case. Pursuant thereto, discovery was concluded on January 21, 2003, and dispositive motions were to be filed by February 4, 2003. Defendant filed (and hand-served) a motion for summary judgment as to Plaintiff's claims on January 24, 2003. Plaintiff's response would have been due February 7; Defendant agreed to Plaintiff's request to extend the due date for his response to February 13. Possibly Defendant will want to file a reply.

Regardless, the Court will need time to consider the merits of the motion.

Defense counsel just received the Court's notice of a settlement conference set for March 6, 2003 and its Order setting a trial date of April 21, 2003.

The scheduling order also sets a number of imminent deadlines for filing pre-trial papers and other documents which are the subject of this motion. They include:

**February 24, 2003** serve trial exhibits, Plaintiff's pretrial memorandum,

objections to exhibits and witness list

**March 3, 2003** Defendant's pretrial memorandum, objections to exhibits and witness list; file Motions in Limine; file proposed findings of fact and conclusions of law or jury instructions

**March 10, 2003** file responses to Motions in Limine

**March 26, 2003** final pretrial conference; file stipulation of uncontested facts

**April 21, 2003** trial date

Defendant asks the Court to continue the above-listed dates and to reset them after it rules on Defendant's motion for summary judgment, if the need for such deadlines is not obviated by the Court's ruling on the pending motion for summary judgment. Defendant respectfully requests this continuance to defer what otherwise will be the imminent accrual of a significant investment in attorney time to prepare the above-referenced documents until such time as the Court's ruling on summary judgment makes it necessary to incur such additional defense costs. In making this request, Defendant is of the good-faith belief that its motion for summary judgment is meritorious and will obviate the need for it to incur further defense costs. Plaintiff will not be prejudiced by the requested continuance as Plaintiff remains gainfully employed by the Defendant.

Counsel for the Defendant has consulted with Plaintiff's counsel and ascertained that Plaintiff's counsel will agree to the request to reschedule the above-stated dates.

Dated: February 5, 2003

Respectfully submitted,

---

Gerald S. Hartman  
Gregory W. Homer, I.D. No. 58710  
DRINKER BIDDLE & REATH LLP  
1500 K Street  
Suite 1100  
Washington, DC 20005  
202.842.8800

David J. Woolf, I.D. No. 76484  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103  
215.988.2700

Attorneys for The Philadelphia Coca-Cola  
Bottling Company

**Certificate of Service**

I hereby certify that on this 5th day of February, 2003, a copy of Defendant's Motion to Continue and Reset Deadlines for Filing Pretrial Documents was served by Federal Express, overnight delivery upon the following attorneys for the Plaintiff:

Roseann E. Weisblatt, Esq.  
Feldman & Rifkin LLP  
101 Greenwood Avenue, Suite 230  
Jenkintown, PA 19046

Robert T. Vance, Jr., Esq.  
1616 Walnut Street, Suite 709  
Philadelphia, PA 19103

---

David J. Woolf

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

# Jose Cabral

## Plaintiff

**V.**

# The Philadelphia Coca-Cola Bottling Company

## Defendant

**Civil Action No.: 02CV2806**

## ORDER

The Court, having considered Defendant's Motion to Continue and Reset the Deadlines for Filing Pretrial Documents in this action, Plaintiff's agreement to the motion, and in light of the pendency of a dispositive motion, hereby

ORDERS that the remaining dates for filing pretrial documents and the trial date set forth in the Court's prior scheduling orders (February 24, March 3, March 10, March 26 and April 21) are continued and shall be rescheduled by the Court, if necessary, subsequent to its ruling on the pending dispositive motion.

John R. Padova, Judge  
United States District Court

Dated